

## **II. AMENDMENTS TO THE CLAIMS**

The listing of claims presented herein below will replace all prior versions, and listings, of claims in the application:

### **Listing of claims:**

1. – 18. (*cancelled*)

19. (*new*) An apparatus for dispensing a flavored beverage, comprising:

- a) a hopper adapted to hold a common base powder and having a hopper outlet, the hopper being operative to dispense the base powder via the hopper outlet in accordance with a powder dispense signal;
- b) a water dispenser having a water outlet, the water dispenser being operative to dispense water via the water outlet in accordance with a water dispense signal;
- c) a flavor dispensing unit adapted to store a plurality of supplies of flavoring syrups, the flavor dispensing unit being operative to dispense via at least one flavor dispensing outlet at least one of the flavoring syrups in accordance with a respective one of a plurality of flavor dispense signals;
- d) a mixing unit adapted to receive and admix base powder from the hopper outlet, water from the water outlet, and the at least one of the flavoring syrups from the at least one flavor dispensing outlet to produce the flavored beverage; and
- e) a control unit operative to produce the powder dispense signal, the water dispense signal, and the plurality of flavor dispense signals in response to user actuation indicative of a selected beverage flavor and a desired beverage volume, the control unit being further operative to generate the water dispense signal in accordance with the desired beverage volume, to generate the powder dispense signal in

accordance with at least the desired beverage volume, and to generate the at least one flavor dispense signal in accordance with both the desired beverage volume and the selected beverage flavor.

20. (new) An apparatus as defined in claim 19, further comprising a push button, wherein user actuation comprises depression of the push button and wherein the desired beverage volume is related to a duration of time during which the push button is depressed.
21. (new) An apparatus as defined in claim 19, further comprising a keypad, wherein user actuation comprises selection of the desired beverage volume and selected beverage flavor from the keypad.
22. (new) An apparatus as defined in claim 19, wherein the hopper comprises a motor driven auger dispenser along a bottom portion thereof, the auger dispenser being responsive to the powder dispense signal to dispense a controllable amount of the base powder via the hopper outlet.
23. (new) An apparatus as defined in claim 19, wherein the flavor dispensing unit comprises, for each supply of flavoring syrup, a pinch mechanism operable between an open position to dispense the flavoring syrup and a closed position to prevent the dispensing of the flavoring syrup, the pinch mechanism being biased into the closed position and being responsive to the respective one of the flavor dispense signals to achieve the open position.
24. (new) An apparatus as defined in claim 23, wherein the pinch mechanism comprises a solenoid actuated control valve.
25. (new) An apparatus as defined in claim 24, wherein the solenoid actuated control valve comprises a solenoid actuated push-pull rod and a spacedly disposed backstop.

26. (new) An apparatus as defined in claim 23, wherein the pinch mechanism comprises a coil spring adapted to bias the pinch mechanism into the closed position.
27. (new) An apparatus as defined in claim 19, wherein the flavor dispensing unit comprises, for each supply of flavoring syrup, a pump operable between an on state in which the flavoring syrup is dispensed and an off state in which the flavoring syrup is prevented from being dispensed, the pump being normally in the off state and being responsive to the respective one of the flavor dispense signals to toggle into the on state.
28. (new) An apparatus as defined in claim 19, further comprising:
  - a) a vacuum system comprising a vacuum funnel interposed between the hopper outlet and the mixing unit, and a discharge outlet disposed remotely from the hopper outlet; and
  - b) a blower operative to draw air from the vacuum funnel and expel the drawn air from the discharge outlet, whereby base powder particles dispersed into the air proximal to the vacuum funnel are extracted and expelled through the discharge outlet.
29. (new) An apparatus as defined in claim 19, further comprising a boiler in fluid communication with the water dispenser, the boiler comprising a water inlet to receive water from a water supply and a heating element to apply controlled heating to water contained in the boiler.
30. (new) An apparatus as defined in claim 19, wherein operation of the hopper to dispense base powder and operation of the water dispenser to dispense water is conditional upon detection by the control unit of a base powder enable signal.

31. *(new)* An apparatus as defined in claim 30, further comprising a base powder sensor operative to activate the base powder enable signal if at least a predetermined amount of base powder is sensed to be contained in the hopper and to deactivate the base powder enable signal if less than the predetermined amount of base powder is sensed to be contained in the hopper.
32. *(new)* An apparatus as defined in claim 31, further comprising a display operative to produce a user perceptible message in response to deactivation of the base powder enable signal.
33. *(new)* An apparatus as defined in claim 30, wherein operation of the flavor dispensing unit to dispense a particular one of the flavoring syrups is conditional upon detection by the control unit of a respective flavor enable signal.
34. *(new)* An apparatus as defined in claim 33, further comprising, for each supply of flavoring syrup, a flavoring syrup sensor operative to activate the respective flavor enable signal if at least a predetermined amount of the respective flavoring syrup is sensed to be contained in the supply and to deactivate the respective flavor enable signal if less than the predetermined amount of the respective flavoring syrup is sensed to be contained in the supply.
35. *(new)* An apparatus as defined in claim 34, further comprising a display operative to produce a user perceptible message in response to deactivation of the respective flavor enable signal for any supply of flavoring syrup.
36. *(new)* An apparatus as defined in claim 19, wherein the mixing unit comprises:
  - a) a first mixing subunit adapted to receive base powder from the hopper outlet and water from the water dispenser outlet, the first mixing

- subunit being operative to combine the received base powder and the received water into a reconstituted intermediate base beverage; and
- b) a second mixing subunit adapted to receive the reconstituted intermediate base beverage from the first mixing subunit and the at least one of the flavoring syrups dispensed from the at least one flavor dispensing outlet, the second mixing subunit being adapted to combine the received reconstituted intermediate base beverage and the at least one received flavoring syrup to produce the flavored beverage.
37. *(new)* An apparatus as defined in claim 36, wherein the first mixing subunit comprises a mixer blade and a mixer motor adapted to drive the mixer blade in response to a mixing signal, wherein the control unit is operative to generate the mixing signal in response to user actuation indicative of a beverage selection.
38. *(new)* An apparatus as defined in claim 36, wherein the second mixing subunit comprises a body defining a passage adapted to receive the reconstituted base beverage from the first mixing subunit and, for each supply of flavoring syrup, a flavoring syrup supply port in fluid communication with the passage and adapted to supply a respective one of the flavoring syrups into the passage for mixing with the reconstituted base beverage thereby producing the flavored beverage.
39. *(new)* An apparatus as defined in claim 38, wherein the flavor dispensing unit comprises, for each supply of flavoring syrup, a pump operable between an on state in which the flavoring syrup is dispensed into the passage via the respective flavoring supply port and an off state in which the flavoring syrup is prevented from being dispensed into the passage via the respective flavoring supply port, the pump being normally in the off state and being responsive to the respective one of the flavor dispense signals to toggle into the on state.

40. (new) An apparatus as defined in claim 19, wherein the mixing unit comprises:
- a) a first mixing subunit adapted to receive water from the water dispenser outlet and the at least one of the flavoring syrups from the at least one flavor dispensing outlet, the first mixing subunit being adapted to combine the received water and the at least one received flavoring syrup into an intermediate beverage; and
  - b) a second mixing subunit adapted to receive the intermediate beverage from the first mixing subunit and base powder from the hopper outlet, the second mixing subunit being operative to combine the received intermediate beverage and the received base powder to produce the flavored beverage.
41. (new) An apparatus as defined in claim 40, wherein the first mixing subunit comprises a manifold in fluid communication with the water dispenser outlet and the at least one flavor dispensing outlet, the manifold being adapted to combine water received from the water dispenser outlet and the at least one of the flavoring syrups received from the at least one flavor dispensing outlet into the intermediate beverage.
42. (new) An apparatus as defined in claim 41, wherein the flavor dispensing unit comprises, for each supply of flavoring syrup, a pump operable between an on state in which the flavoring syrup is dispensed into the manifold and an off state in which the flavoring syrup is prevented from being dispensed into the manifold, the pump being normally in the off state and being responsive to the respective one of the flavor dispense signals to toggle into the on state.
43. (new) An apparatus as defined in claim 40, wherein the second mixing subunit comprises a mixer blade and a mixer motor adapted to drive the mixer blade in response to a mixing signal, wherein the control unit is operative to generate the mixing signal in response to user actuation indicative of a beverage selection.

44. (new) An apparatus as defined in claim 19, wherein the hopper, the water dispenser, the mixing unit, and the control unit are located within a housing of the apparatus and wherein at least part of the flavor dispensing unit is located outside of the housing of the apparatus.
45. (new) An apparatus as defined in claim 44, wherein the flavor dispensing unit comprises a plurality of containers, each container being adapted to store a respective one of the plurality of supplies of flavoring syrups and being located outside of the housing of the apparatus.
46. (new) An apparatus as defined in claim 19, wherein the hopper, the water dispenser, the flavor dispensing unit, the mixing unit, and the control unit are located within a housing of the apparatus.
47. (new) An apparatus as defined in claim 19, wherein the control unit is operative to generate the powder dispense signal in accordance with both the desired beverage volume and the selected beverage flavor.
48. (new) A method of producing a flavored beverage, comprising:
  - a) receiving user actuation indicative of a selected beverage flavor and a desired beverage volume;
  - b) using a dispenser apparatus to produce the flavored beverage by performing the steps of:
    - i) supplying water in an amount dependent on the desired beverage volume;
    - ii) supplying a base powder in an amount dependent on at least the desired beverage volume;
    - iii) supplying at least one flavoring syrup from at least one of a plurality of flavoring syrup supplies in an amount dependent on

the desired beverage volume and in a distribution corresponding to the selected beverage flavor; and

- iv) admixing the base powder, the water, and the at least one flavoring syrup to produce the flavored beverage.

49. *(new)* A method as defined in claim 48, wherein user actuation comprises user manipulation of at least one of a plurality of keys on a keypad.
50. *(new)* A method as defined in claim 48, wherein user actuation comprises user manipulation of a push button and wherein production of the flavored beverage is continued as long as the push button is being held depressed.
51. *(new)* A method as defined in claim 48, wherein step iv) comprises:
- combining the base powder and the water to produce a reconstituted intermediate base beverage; and
  - combining the reconstituted intermediate base beverage and the at least one flavoring syrup to produce the flavored beverage.
52. *(new)* A method as defined in claim 48, wherein step iv) comprises:
- combining the water and the at least one flavoring syrup to produce an intermediate beverage; and
  - combining the intermediate beverage and the base powder to produce the flavored beverage.
53. *(new)* A method as defined in claim 48, wherein step ii) comprises supplying the base powder in an amount dependent on both the desired beverage volume and the selected beverage flavor.